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PatentREMARKS

Reconsideration of this application and withdrawal of the rejections set forth in the Office action mailed August 22, 2006 are requested in view of the following remarks.

Claim Rejections - 35 U.S.C. § 103(a)Claims 1, 3, 5, 6, 15, and 17:

Claims 1, 3, 5, 6, 15, and 17 were rejected under 35 U.S.C. § 103(a) based on new grounds for rejection, namely, as being unpatentable over Knudson in view of U.S. Patent No. 6,208,799 to Marsh et al. ("Marsh") and further in view of U.S. Publication No. 2002/0081096 to Wantanabe et al. ("Wantanabe"). For the reasons set forth below, claims 1, 3, 5, 6, 15, and 17 are patentable over the cited prior art.

Claims 1, 3, 15, and 17:

To begin with, Knudson does not teach receiving instructions to transfer two or more timeslots to a storage device, wherein for the two or more timeslots: (a) a first timeslot includes a user extended lead (or trail) timeslot, and a second timeslot includes a core timeslot, and (b) the first timeslot has a higher priority than the second timeslot, as recited in claim 1. Knudson makes no distinction between a user extended lead (or trail) timeslot and a core timeslot. Also, claim 15 recites a first type for a first timeslot, wherein the first type is a user extended trail time slot less than a fixed interval, and a second type for a second timeslot, wherein the second type is a core time slot, and means for choosing the second type as having a higher priority. Again, Knudson makes no such distinction between a user extended trail time slot less than a fixed interval and a core time slot.

Also, the Office action sets forth that "it is well known in the art that in the

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recording environment, such as a VCR, allows the user to manually set timeslots...thereby meeting the limitations of user extended trail and lead timeslots.” Regardless of whether “it is well known in the art” for a VCR to allow a user to manually set timeslots, Knudson does not distinguish between a first time slot including a user extended lead (or trail) timeslot and a second time slot including a core time slot, as recited in claim 1. Nor does Knudson distinguish between a user extended trail time slot less than a fixed interval and a core time slot, as recited in claim 15.

In addition, the Office action sets forth that Knudson “determin[es] if said instructions cause a conflict,” citing Figure 3, element 70 of Knudson. Figure 3, element 70, however, presents a conflict between a user watching a program currently viewed by a user, and a program that the user previously selected for recording. This does not describe claim 1, because claim 1 recites more than what Knudson teaches here. Claim 1 does not simply teach “determining if said instructions cause a conflict,” but instead recites determining if said instructions cause a conflict between automatically-selected timeslots, user-selected timeslots, or both automatically-selected and user-selected timeslots.

Claims 3, 15, and 17 are further distinguishable from Knudson because claims 3, 15, and 17 recite determining, or finding, a conflict between automatically-selected timeslots, non-automatically-selected timeslots, or both automatically-selected and non-automatically-selected timeslots. Knudson makes no such distinction in resolving a conflict among these specified timeslots. Thus, Knudson does not teach all of the aspects of “determining if said instructions cause a conflict” as set forth in claims 1, 3, 15, and 17.

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Also, the Office action sets forth that Knudson teaches “resolving said conflict automatically...by choosing either said first or second timeslot.” As described previously, Knudson does not teach “choosing either first or second timeslot,” wherein the first timeslot includes a user extended lead (or trail) timeslot and the second timeslot includes a core timeslot, as recited in claim 1. Nor does Knudson teach resolving a conflict automatically by choosing between a user extended trail time slot less than a fixed interval and a core time slot, as recited in claim 15.

Furthermore, Knudson eliminates a trailing buffer of a first program when a second program is selected for recording. (Knudson, Col. 7, lines 59-63.) Claim 1, on the other hand, recites a user extended lead timeslot or a user extended trail timeslot having a first higher priority, which Knudson does not teach.

Regarding Marsh, the Office action states that Marsh teaches “priority adjustments are made depending on set priority setting as further seen in Figure 5.” The only “priority” that Applicant can discern from Figure 5 is element 62, which includes the decision, “Is future-time of related VCR-record-request greater than one hale [sic] hour from current time?” This teaching of Marsh, however, does not teach the priority recited in claim 1. Claim 1 provides a distinct priority scheme that determines priority based on a first timeslot including a user extended lead (or trail) timeslot and a second timeslot including a core timeslot. Nor does Marsh teach the priority recited in claim 3, which is a first timeslot including an automatically extended lead timeslot or an automatically extended trail timeslot, and a second timeslot having a second higher priority and not being an automatically extended lead timeslot or an automatically extended trail timeslot. Marsh also does not teach the priority in claim 15, which is

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choosing a second type that is a core time slot has having a higher priority than a first type that is a user extended trail time slot less than a fixed interval. Marsh also does not teach the priority in claim 17, which is a second timeslot having a second higher priority, and not being an automatically extended lead timeslot or an automatically extended trail timeslot, and a first timeslot including an automatically extended lead timeslot or an automatically extended trail timeslot having a first priority.

The Office action also cites Marsh, Column 10, lines 1-34 as teaching "timeslots adjusted in priority." The only other "priority," besides Figure 5, element 62, that is at least partially taught in the cited reference is "clearing the conflicting VCR-record-timer whose record time that is the most distant from the current time." Again, this does not teach claim 1, because it does not teach a first timeslot including a user extended lead (or trail) timeslot having a higher priority and a second timeslot including a core timeslot having a second priority. Nor does Marsh teach claims 3, 15, and 17, which have distinguishable priority schemes, as discussed above, that are not taught by Marsh.

Regarding Wantanabe, Wantanabe does not teach determining if "instructions cause a conflict between automatically-selected timeslots, user-selected timeslots, or both automatically-selected and user-selected timeslots," as recited in claim 1. Nor does Wantanabe teach determining, or finding, conflicts between automatically-selected timeslots, non-automatically-selected timeslots, or both automatically-selected and non-automatically-selected timeslots, as recited in claims 3, 15, and 17.

Additionally, the Office action attributes to Wantanabe: "The ability to provide conflict resolution based on priority that can be based on whether the potential recording is user or automatic selectable program." Wantanabe, in fact, does not make a distinction

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of priority based on “whether the potential recording is user or automatic selectable program.” For example, Paragraph 84 of Wantanabe provides that the “default settings” include “the program preset earlier or later takes precedence over the program preset later or earlier respectively.” This does not teach claim 1, which recites resolving a conflict automatically, if said user does not choose one of said solutions, using said first and second priorities, by choosing either said first or second timeslot, wherein the first timeslot includes a user extended lead (or trail) timeslot having a first higher priority and a second timeslot including a core timeslot having a second priority. Nor does Wantanabe teach the priority schemes set forth in claims 3, 15, and 17, as discussed above.

Claim 5:

Claim 5 is also patentable over the cited references. Claim 5 recites a first type for a first timeslot that is a user extended trail timeslot less than a fixed interval, and a second type for a second timeslot that is a core timeslot. Knudson, however, teaches eliminating a fixed-interval buffer that is automatically selected by the system. This is distinguishable from claim 5, which recites a first timeslot that is a user extended trail timeslot less than a fixed interval. Furthermore, similar to the discussion of claims 1, 3, 15, and 17 above, none of the references, alone or in combination, provide for an inherent distinction between types of timeslots, namely a first type that is a user extended trail time slot less than a fixed interval and a second type that is a core time slot as recited in claim 5, nor is a priority taught in which a second type for a second timeslot that is a core time slot has a higher priority than a first type for a first timeslot that is a user extended trail timeslot less than a fixed interval, as recited in claim 5.

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PatentClaim 6:

Claim 6 is patentable over the cited references because none of the cited references, either alone or in combination, teach determining a plurality of solutions, determining a cumulative priority for each of the solutions, and presenting one or two lowest priority solutions to a user. The cited reference, Figure 7a, elements 102, 104, 104, and 108 in Knudson, shows a parentally-locked program system. The reference merely shows whether to record a program based on whether the program is locked, and then requesting a parental control code. This is not a cumulative priority system, because there is no comparison among timeslots. The only criteria for proceeding with a recording, as taught here in Knudson, is whether the program has a parental lock. Nor does the cited reference present one or two lowest priority solutions to a user.

Claim 7:

Claim 7 was rejected under 35 U.S.C. § 103(a) as being unpatentable over Knudson in view of Marsh and further in view of U.S. Patent No. 6,233,389 to Barton et al. ("Barton"). The Office action points to Knudson, Figs. 4 and 5, as a basis for rejecting claim 7 by stating that "element 82 has less priority (a lesser number) over element 84." Claim 7 is dependent upon claim 1 and is thus patentable for at least the same reasons discussed above. Furthermore, for the reasons stated below, Applicant disagrees with this interpretation of Figs. 4 and 5 and respectfully submits that claim 7 is thus patentable.

First, Figure 4 is actually labeled "Prior Art" and does not disclose an embodiment of the invention. The Office action also interprets Figure 4 as a precursor to Figure 5. Nor does Figure 4 disclose an embodiment of the invention in combination

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with Figure 5 or a precursory step to Figure 5. Knudson distinguishes between the two figures by describing Figure 5 as featuring an improvement over the prior art shown in Figure 4. (Knudson, Col. 7, lines 45-65.)

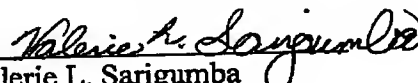
Second, the Office action sets forth that the cited reference teaches “determining a conflict exists if said first number is less than said second number,” and “it is determined that the first program Figure 4 element 82 has less priority (a lesser number) over element 84.” In fact, the reference numbers in Figures 4 and 5 (such as 82 and 84 in Figure 4 and 86, 88, and 92 in Figure 5) do not establish any kind of priority based on one number being higher than the other. The reference numbers simply distinguish between buffer segments and programs (reference numbers 78 and 84 are for programs, reference numbers 80 and 82 are for buffer segments). (Knudson, Col. 7, Lines 41-58.) This is further demonstrated as Knudson teaches reference number 92 for a trailing buffer segment in Figure 5 may be eliminated, while reference number 88 for a program is not, and 92 is the higher number. Another example is that Knudson further states “all buffer segments may be eliminated,” and yet the buffer segments have higher reference numbers (90 and 92) than the programs (86 and 88). (Knudson, Col. 7, line 59 – Col. 8, line 1.)

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CONCLUSION

In view of the foregoing remarks, Applicant respectfully submits that the claims presented in this application define patentable subject matter over the cited prior art. Accordingly, reconsideration and allowance of the application are requested. Applicant's undersigned representative also looks forward to the scheduled interview with the Examiner, and the Examiner is encouraged to contact Applicant's undersigned at the number below to discuss any other issues.

Respectfully submitted,


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